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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN JOSE DIVISION**

17
18 IN RE SUBPOENA TO BayTSP, INC.
19 VIACOM INTERNATIONAL INC., *et al.*,
Plaintiffs,

20 v.

21 YOUTUBE, INC., *et al.*,
22 Defendants.

23 THE FOOTBALL ASSOCIATION PREMIER
LEAGUE LIMITED, *et al.*,
24 Plaintiffs,

25 v.

26 YOUTUBE, INC. *et al.*,
Defendants.
27
28

CASE NO.: 08-MC-80211 JF (PVTx)

**STIPULATION AND [XXXXXXXXXXXXX]
ORDER EXTENDING TIME TO
PRODUCE DOCUMENTS**

(S.D.N.Y. CASE NOS. I :07-cv-021 03
(LLS) (FM); I :07-cv-3582 (LLS) (FM))
Judge: Honorable Jeremy Fogel

1 WHEREAS on September 27, 2007, YouTube, Inc., YouTube, LLC and Google Inc.,
 2 (collectively, “YouTube” or “Defendants”) issued a non-party subpoena (“Subpoena”) from this
 3 Court to BayTSP, Inc. (“BayTSP”) in connection with civil actions filed by Viacom
 4 International, Inc. *et al.* and The Football Association Premier League, *et al.* against YouTube,
 5 Inc. *et al.* in the United States District Court for the Southern District of New York, Case Nos. I
 6 :07-cv-021 03 (LLS) (FM) and I :07-cv-3582 (LLS) (FM), respectively (collectively, “SDNY
 7 Actions”). The Subpoena sought documents relating to BayTSP’s clients, including Viacom-
 8 related clients and non-Viacom-related clients.

9 WHEREAS BayTSP objected to the Subpoena on various grounds and YouTube moved
 10 to compel BayTSP’s compliance with the Subpoena. United States Magistrate Judge Patricia
 11 Trumbull granted YouTube’s motion to compel and ordered that BayTSP produce “documents
 12 related to the Viacom-related entities no later than March 6, 2009” and “documents related to the
 13 non-Viacom related entities no later than July 15, 2009”;

14 WHEREAS BayTSP objected to the Magistrate Judge’s order and the District Court, and
 15 Honorable Jeremy Fogel, overruled BayTSP’s objection on April 24, 2009;

16 WHEREAS BayTSP and YouTube have been working with an electronic discovery
 17 vendor to finalize an appropriate search term list to target responsive non-Viacom related
 18 documents and prepare a database for reviewing and producing the documents. However, the
 19 parties have been informed by the electronic discovery vendor that, due to the large quantity of
 20 source data (over 5 terabytes) from which responsive documents must be extracted, it will take a
 21 substantial length of time (potentially up to two months) to process the responsive documents
 22 and load them into a database. Once the database has been created, the documents must
 23 thereafter be reviewed for privilege and responsiveness before production; therefore

24 IT IS HEREBY AGREED THAT:

25 1. The deadline by which BayTSP must produce documents and a privilege log
 26 related to the non-Viacom entities is hereby extended from July 15, 2009 to September 15, 2009,
 27 provided that BayTSP produces responsive documents on a rolling basis as they become
 28 available.

2. The parties will negotiate further extensions of this deadline in good faith, if necessary

3. Once the document database is created, BayTSP will provide YouTube with periodic status updates on the quantity of documents BayTSP has reviewed and produced and the quantity of unreviewed documents remaining.

AGREED and STIPULATED

July 9, 2009

*Attorneys for YouTube, Inc., YouTube, LLC
and Google Inc.*

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AGREED and STIPULATED

July 9, 2009

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Filer's Attestation: Pursuant to General Order No. 45, Section X(B), the filer hereby attests that the signatories' concurrence in the filing of this document has been obtained

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 9, 2009


Honorable Patricia V. Trumbull
United States Magistrate Judge